

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
JUNE 23, 1998**

**MEMBERS PRESENT:** Brian Preston, Anthony McManus, Karin Crittenden, Margaret Stevenson, Frank Torr, Jerry Reese, Charles Maglaras, Ronald Cole

**MEMBERS ABSENT:** Paul Beecher, Michael Bobinsky, Reuben Hull

**STAFF PRESENT:** Steven Stancel, Planning Director, Steven Bird, City Planner and Jacqueline Freeman, Recording Secretary.

Chairman Cole brought the meeting to order at 7:04 PM.

**ITEM #1: Approval of minutes.**

Frank Torr made the motion to approve the minutes.

Jerry Reese seconded.

Tony McManus stated that on page 4 of the minutes regarding the conditions of approval for the Leavitt subdivision, the plan should indicate the setbacks from both wells. Also, that there is only one "r" in McShera.

**VOTE U/A**

**Abstained – Brian Preston**

**ITEM #2: Consideration and acceptance of an application for a minor subdivision of land for Robert H. Torr, Assessor's Map H, Lot 5B, zoned R-40, located on Mast Road.**

Joanne Russel, represented Mr. Torr. She said Robert Torr wishes to divide his 2-acre piece and make 2 lots.

Anthony McManus made the motion to accept the application.

Jerry Reese seconded.

**VOTE U/A**

The public hearing was opened.

Richard Proulx, President of Pruven Aggregates and Pruven Concrete, stated that he supports the subdivision of land, but wants it to be on record that he has been operating the gravel pits since 1954. He stated that he can operate 7 days a week and around the clock. He also stated that there is a lot of dust and noise. He said that this subdivision is very close and he is concerned for the safety of the children.

The public hearing was closed.

Steve Stancel stated that these two lots are in an area that is slated for possible rezoning.

Joanne Russel stated that they have an approval from Madbury and they have received State Subdivision Approval.

Steve Stancel stated that Mr. Proulx has legitimate concerns but the property owners have rights also.

Jerry made the motion to approve with the following conditions:

1. Add the owner's signature to the plan.
2. Obtain NH WSPCC subdivision permit and submit to the Planning Department.
3. Add proposed tax map and lot numbers obtained from the Assessor's Office to the plan.
4. Submit test pit logs and percolation tests to the Planning Department.
5. Add Flood Hazard note to the plan.
6. Add area of parcel note to the plan.
7. Add note indicating that the Building Inspector will assign the street addresses at the time of issuance of building permits.
8. Revise note #3 to indicate that the parcel is within the Secondary Groundwater Protection Zone.
9. Obtain approval of the subdivision from the Town of Madbury Planning Board.

Karin Crittenden seconded.

**VOTE U/A**

**ITEM #3: Consideration and acceptance of an application for a site plan of land for Bean Engineering (Owner Dover Industrial Development Authority), Assessor's Map D, Lot 11, zoned I-4, located on Venture Drive.**

Jay Stevens, Civil Consultants, stated he is representing Jeff Bean and they are proposing a small industrial building at the end of Venture Drive. Jay stated that he has checked with Mr. Powers and there is no need for pre-treatment. He said there would be a 6" water line. Jay said it would be a two-story metal building and the bottom 3 or 4 feet will be a brick façade. Jay stated that this has to meet with the DEDC requirements.

Jerry Reese made the motion to accept the application.

Charles Maglaras seconded.

**VOTE U/A**

The public hearing was opened.

Beth Thompson, Economic Development Director, stated she is representing her department and the DEDC. She said they are supportive of this project and have agreed to sell the land to Bean Engineering. She said the use is compatible and desirable and will create job opportunities. She said using the one-acre parcel and the Transfer of Development Rights; they will be able to maximize their development on that parcel to get the largest building they can. She stated that the DEDC has strict protective

covenants and that Bean Engineering will appear before them next week for façade, landscaping and signage requirements.

The public hearing was closed.

Steve Stancel gave the staff recommendations and added that if the Board approves, it is automatically waiving the setbacks for the TDR Ordinance.

Jeff Bean stated that he has 5 people working for him and in the next few years he will probably have 12 to 13.

Jay Stevens showed the staff a colored version of the proposed building. He also showed where the loading doors will be located and went over the landscaping plan.

Frank Torr made the motion to approve with the following conditions:

1. Add the owner's signature to the plan.
2. Obtain review and approval from DEDC.
3. Provide Planning Department with a copy of a driveway maintenance agreement that is signed by the applicant and George Foster & Company.
4. Revise plan to show location of loading door for both phases of development.
5. Provide the Planning Department with a Conservation Easement Deed in a form satisfactory to the Planning Department.
6. Revise plan to add detail of the retaining wall.

Jerry Reese seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of an application for a Conditional Use Permit for Fuller Jeffrey Radio of New England, Inc. (WOKQ), Assessor's Map M, Lot 91A, zoned R-40, located at 292 Middle Road.**

Roy Spignarti, represented Fuller Jeffrey of New England. He introduced Mark Erickson who also works for Fuller Jeffrey. He stated that he was here about a year ago and since then the building has been reduced 15 feet and the wetlands have been mitigated.

Jerry Reese made the motion to accept the application.

Chuck seconded.

**VOTE U/A**

The public hearing was opened.

Dave Dickson, 29 Isaac Lucas Circle, stated he is an abutter. He said that the last time they came before the Board there was a question as to whether they should hook into the public sewer system rather than have a septic tank system. He said the Brickyard Estates

Association is very concerned about the wetlands, also how they are going to dispose of refuse and their trucks that come and go.

The public hearing was closed.

Steve Stancel stated that the sewer line was evaluated by the Engineering Dept., and they found that it was not economically feasible to run the line such a long distance to tie in. He said they do not have any concerns with the septic system polluting the wetlands.

Mark Dickson stated that they have 5 WOKQ vehicles. He stated that the parking spaces along the road are for visitors and handicap spaces, not for employees.

Frank Torr made the motion to approve with the following conditions:

1. Amend plan to indicate the wetland area to be filled.
2. Obtain NH Wetlands Board Permit and submit to the Planning Department.
3. Provide the Conservation Commission with a list of plants that will be planted in the new wetland area.

Margaret Stevenson seconded.

**VOTE U/A**

**ITEM #5: Public hearing on the Economic and Land Use Analysis of the Dover Master Plan Update.**

Ron Cole stated that we are required to look at the Master Plan every 10 years. Ron stated that any action by the Board this evening does not necessarily endorse rezoning in any of the 4 areas that are outlined in the Master Plan analysis. He said the consulting firm makes the recommendations and endorsing the Master Plan does not endorse rezoning any particular portion of the community. He said that would come later with more public hearings.

Steve Stancel stated that this section was developed with an eye on economics and fiscal impacts to help Dover achieve balanced, physically sound development over the next decade. He said the consultant made specific policy and zoning recommendations to mitigate projected fiscal impacts. Steve stated that this document was not created in a vacuum, as there was significant public participation throughout the process. He said it has taken about 1 ½ years to get this section to the point that we have here. He said that a City-wide questionnaire was conducted to determine the wants and needs of the community. He said a series of neighborhood meetings entitled "Speak Out Dover" were held throughout the City. The Planning Board also held several workshops including several joint workshops with the City Council. The consultant, Applied Economic Research, conducted a series of focus groups with interested individuals and organizations to discuss policy issues. These groups included the developers, bankers, local realtors, Chamber representatives, downtown merchants and others. He said that input from all these different avenues were used in the development of this plan.

Steve Stancel stated that the Board may or may not approve the plan tonight, and if not, it will go to the next meeting. He said if there is an area in the city that the Board wants to rezone, we will make a proposal that will be posted. He said that anyone who lives in that area will receive a notice by certified mail to come to a public hearing where it will be discussed as to whether it should be rezoned and what type of zoning should occur. He added that from there the City Council would hold another public hearing on the rezoning where they would approve or disapprove the recommendations. Steve stated that it would take a 2/3<sup>rd</sup> vote of the Council to disapprove. He added that this attempts to take out some of the politics that could occur. Steve said the consultant indicated that residential development will begin to skyrocket in the next 10 years and there will be approximately 300 housing units a year that will come in and at the same time, competition for non-residential tax base will become intense. He said that in terms of existing zoning, there is approximately 10,000 acres that are vacant and about 5,150 of those acres are developable and of that 5,150 acres, 4,494 are zoned residential and only 435 are zoned commercial and 209 zoned Industrial. He said that based on these projections, it was determined that the City will become fiscally unbalanced within the next 10 years unless we change our policies. Russ Thibeault did a fiscal impact analysis based on his projected growth, and he determined that property taxes raised from the new development would equal \$9,250,000., but the cost of that development to the City in terms of services and infrastructure would be \$11,600,000, causing a deficit of \$2,350,000. Steve said that the consultant recommended several policy changes and if they are implemented, he has run a second fiscal impact analysis, included in your packet, that shows a positive balance at the end of each fiscal year. He said that the City should conduct an image enhancement program such as "Dover - New Hampshire's Other Port City." He recommended increasing industrial zoning. Steve said Russ stated that 361 acres are needed for just the next 10 years and currently, we have 175 acres vacant showing that there is a shortage of industrial land. Steve said Russ pointed out that you should always rezone more than you need because when a company wants to come into the community, they will need a few different sites to pick from. Steve said Russ recommended promoting a better downtown investment climate. He said Russ recommended slowing down residential development. Steve stated that statistics show that between 1980-1990, Dover attracted 25% of the regions rental units, but only 8% of the regions single family units. He said that today, Dover is almost 50% rental and 50% owner occupied. He recommended that Dover promote higher rent single-family residential structures. He recommended not allowing wetlands to count in future density allocations, and to cut back in the number of units allowed in multi-family zones. He also recommended providing for increased infrastructure improvements in the City. Steve went over the areas that he recommended for rezoning.

1. The area north of Weeks Crossing.
2. Sections of Watson Road - 1 large piece and 2 smaller pieces and from the eastern side of the river to Tolend Road.
3. Portions of 6<sup>th</sup> Street near Whittier St.
4. Large area of Littleworth Road, adjacent to the existing I-2 zone

5. Rt. 108 across from Jensen's Mobile Home Park, and along Mast Road where the gravel pits are located and across the street where there are currently some existing non-conforming uses.
6. A small portion of Dover Point Road to Commercial - a portion immediately south of Ed Byrnes between Ed Byrnes and the cemetery.

Ron Cole stated that he is employed by a firm that abuts one of these recommended areas and he has business interests with another, so he will chair the public hearing but will abstain from making comments with respect to anything that pertains to the rezoning.

The public hearing was opened.

Ron Cole read a letter from David Choate, Coldstream Realty, regarding the Watson Road rezoning. He stated that he represent Bank of NH, owners of property at the intersection of Tolend and Watson Roads. The letter states that they are opposed to ETP rezoning for that area.

Ron Cole read a letter from Mark Gowdy who represented Robert Bates and Laura Kincaid, who own a 31-acre parcel at the north end of Watson Road, fronting on the Cochecho River. He stated that the rezoning would have a long-term negative impact on property values, and they are opposed to the rezoning.

Dana Lynch, 24, Lexington Street, stated he is wearing several hats as President of the Chamber of Commerce, business owner for 13 years, and as a resident, encourages the Board to consider the changes in the document as expeditiously as possible. He said he feels it is imperative that it is acted on as quickly as possible. He added that some of the recommendations may be uncomfortable right now, but it is important for the long term investment of the community to set aside acreage now so that we don't preclude the economic health of this community. Dana stated that he is strongly interested in the continued efforts of developing the downtown and the waterfront. He suggested that the planning effort include setting aside a conceptual plan of the infrastructure needs so there are no surprises further down the line.

Beth Thompson, Economic Development Director, stated she is representing her department and the DEDC, and both groups urge the Board to adopt the Economic Section of the Master Plan as submitted.

Dean Fournier, resident of Tolend Road, and business person in Dover, stated he would like to request a specific rezoning on Central Avenue. He said the land is between the Shop & Save Plaza and the Wentworth Home and is currently zoned office. He said he would like to see it rezoned to B-3, the same as the plaza. He said he has 3 parcels of land in that area and he has been approached several times by potential commercial users who have all expressed a desire to be in Dover in that location and the stumbling block is that it is an Office zone.

Steve Stancel stated that if the Board wants to, it could be added as #26 to the number of proposed revisions

Art Corte, 21 Glenhill Road, stated that he drives on Watson Road and he cannot see an office park. He stated that Dover's image does not reflect its beauty. He stated that the waterfront is a magnificent piece of land. He said it has the potential to being developed in a form that would bring international visitors. He said the Waterfront is the one chance that Dover has for greatness.

Dave Hamon, 42 Watson Road, said that he is concerned with the rezoning. He stated that Watson Rd. is a commuter road, a freeway. He is opposed to the rezoning. He stated that Dover is in the top 10 for the relocation of businesses.

Dave Griswell, of Remax Real Estate, stated that he represents the owner of the parcel that Mark Goudy addressed in his letter. He asked if this area could be taken out of the process? He said that this parcel is being pursued as a 16-lot subdivision of higher end homes, it is not at the Planning Board yet but they are working on it.

Dean Fournier stated that he is familiar with the 68-acre piece that Mark Goudy and David Choate are referring to. He said he has done some test holes on the property himself, and the place is one big piece of rock and wetlands. He thinks that if the Planning Board would take a look at this land they would pull it out of the rezoning. He said he's lived across the street from this land for over 20 years and there are water and traffic problems. He said the land is all ledge.

The public hearing was closed.

Anthony McManus said he has a big concern with indorsing this document. He said from a legal standpoint, a Master Plan is a very important document. By adopting a Master Plan you are taking a much bigger step than just saying we are endorsing in general terms the recommendations that have been made by the consultant. He said we should spend some time to look this over. Tony stated he would like the members who are missing tonight to be part of a discussion, and to go over this document in the next two weeks. He stated that he has a problem with strip commercial zoning in the City of Dover and to a large extent the proposals that have been made for the New Rochester Road and the Dover Point Road are doing that. Tony stated that this should be tabled.

Karin Crittenden stated that she seconds Tony's concerns. She stated that there should be a workshop to discuss the issues. She said she does not think it is in the public's best interest to adopt the plan at this time.

Jerry Reese agreed with Tony and Karin. He stated that we need to take the time to go over the document.

Brian Preston stated that he also agrees. He said he would like to see a wetland overlay on all the areas proposed for zoning changes

Anthony McManus made the motion to table until the next meeting.  
Karin Crittenden seconded.

**VOTE 5 - 2**

**Opposed - Chuck Maglaras and Frank Torr**

Tony McManus stated that he would like to have Russ Thibeault present at the workshop. He stated he would like to know what the cost would be to the community to develop the area of Watson Road.

Steve Stancel stated that that area of Watson Road was not picked because it was a big hunk of land, he said the document explains in great detail why it was chosen. Steve said he does not want to get into a discussion of the individual zoning areas and fight the battle before the Master Plan is even approved. He said he thinks that the Planning Board having worked on this project for a year and a half, should have bought into this document by now and should be in agreement with the general principals. Steve said he feels that the battle for the individual zones should held at the time that the specific proposals are brought forth to this Board and then the Board can choose whether to move forward with the proposals or not.

Tony McManus stated that he does not want to get into the rezoning process and have the Chamber, DIDA and the Planning Department come forward and say that they are in favor of this because it is in the Master Plan.

Ron Cole set up the workshop for July 7, 1998 at 7:00 PM.

Frank Torr stated that if we find out what the cost factor would be of rezoning Watson Road as commercial, we should also know what the cost factor would be if developed as residential.

Steve Stancel stated that those are issues that normally come up during the rezoning process. He said that there are probably not many areas that do not require infrastructure upgrade and future costs to the City. Steve stated that there are no longer any perfect parcels to rezone. He said there will be infrastructure needs or some type of road upgrades and it has to be an accepted fact.

Karin stated that she would like to have a workshop setting where the document can be discussed as opposed to just reading it. She felt the board has not had much interaction with Russ Thibeault.

Frank Torr suggested the Foster's reporter have a map in the paper so the people can be knowledgeable about the areas of potential rezoning.

Ron Cole stated he would also like to get an opinion from Atty. George Wattendorf.

Chuck Maglaras asked if we need to add to the list the area on Central that Mr. Fournier was asking about, and do we need to expedite that area?

Steve Stancel stated that he would like to bring forth the proposals in one lump sum. Some of the proposals may not come forward at the same time, it will be up to this Board to prioritize. He said that because of the cost of notifying everybody in the City, it becomes expeditious to do it that way. He said we already have a list of about 30 changes to the Zoning Regulations and some changes to the Flood Insurance Regulations that are going to require Citywide mailing. He said his intentions are to move forward as quickly as possible with several of the zoning changes.

Ron Cole read a letter from William McCann, Chairman of the Dover Middle School Building Committee, inviting him and the Board to their meeting Tuesday, June 30, 1998, at 7:00 PM in the Superintendent's office, to discuss the Planning Board's conditions of approval regarding their construction project. Ron stated he intends to be at that meeting. He stated that the City does not have to abide by its own regulations.

Brian Preston asked about a barrier between the school and the river. He said they should think about it.

Ron Cole stated that he hates to see the City make the error of being penny wise and pound foolish merely to get under budget.

**ITEM #6 : Old Business**

**ITEM #7 : New Business**

Steve Stancel stated that there is a lot merger from Atty. Brian Barrington, for John Gregoire. He said it does not require a public hearing or a list of abutters.

Anthony McManus made the motion to approve the merger.

Charles Maglaras seconded.

**VOTE U/A**

**ITEM #8 : Adjournment**

Anthony McManus made the motion to *adjourn* approve.

Jerry Reese seconded.

**VOTE U/A**